

### **REMARKS**

This Amendment is fully responsive to the final Office Action dated February 6, 2008, issued in connection with the above-identified application. Claims 29-44 were previously pending in the application. With this Amendment, claims 29-44 have been canceled without prejudice or disclaimer to the subject matter therein; and claims 45-60 have been added. No new matter has been added by new claims 45-60. Favorable reconsideration is respectfully requested.

In the Office Action, claims 29-44 were provisionally rejected under judicially created doctrine of obviousness-type double patenting as being unpatentable over claims 1-20 of Ohta et al. (U.S. Patent No. 7,188,244, hereafter "Ohta"). The Applicants have canceled claims 29-44 rendering the above obviousness-type double patenting rejection to those claims moot.

Additionally, the Applicants maintain that new claims 45-60 are not obvious in view of claims 1-20 of Ohta. For example, independent claim 45 recites the following features:

"a holding unit operable to hold duplication restriction information indicating (i) a content identifier for identifying a content, (ii) an in-group remaining number indicating a value of a number of permitted content duplications, and (iii) an out-group remaining number indicating a value of a number of permitted duplications, the in-group remaining number and the out-group remaining number corresponding to the content identifier"; and

"a management unit operable to (i) manage duplication of the content identified by the content identifier included in the management request, with use of the in-group remaining number corresponding to the content identifier, if the apparatus that has made the management request is judged to belong to the group, and (ii) manage duplication of the content identified by the content identifier included in the management request, with use of the out-group remaining number corresponding to the content identifier, if the apparatus that has made the management request is judged to not belong to the group." The features noted above in claim 45 are also similarly recited in independent claims 57-59.

The present invention, as recited in claims 45 and 57-59, is directed to providing the advantageous effect of managing content duplications performed on in-group apparatuses and out-group apparatuses differently. Specifically, the number of content duplications performed on an in-group apparatus is managed by using the in-group remaining number, and the number of

content duplications performed on the out-group apparatus is managed by using an out-group remaining number.

On the other hand, claim 1 of Ohta is directed to only managing the sum of the permitted numbers of duplications by a first type of device and a second type of the device, and does not separately manage the permitted number of duplications for the devices (i.e., first and second types). Furthermore, in Ohta, duplication restriction information is added to the content.

However, in claims 45 and 57-59, the duplication restriction information is held by a content management apparatus. In this way, it is possible to easily manage the duplication restriction information that requires security measures, and simplifies the structure of an apparatus that makes the management request.

Based on the above discussion, claims 45 and 57-59 of the present invention are not obvious in view of claims 1-20 of Ohta. Accordingly, an obviousness-type double patenting rejection to claims 45-60 in view of claims 1-20 of Ohta would be improper.

In the Office Action, claims 29-44 have been rejected under 35 U.S.C. 102(e) as being anticipated by Alve et al. (U.S. Patent Publication No. 2003/0076955, hereafter "Alve").

However, claims 29-44 have been canceled rendering the above rejections to claims 29-44 under 35 U.S.C. 102(e) moot. Additionally, the Applicants maintain that at least independent claims 45 and 57-59 are patentably distinguishable over Alve. For example, claim 45 recites (in relevant part, the following features recited in claims 45:

"a management unit operable to (i) manage duplication of the content identified by the content identifier included in the management request, with use of the in-group remaining number corresponding to the content identifier, if the apparatus that has made the management request is judged to belong to the group, and (ii) manage duplication of the content identified by the content identifier included in the management request, with use of the out-group remaining number corresponding to the content identifier, if the apparatus that has made the management request is judged to not belong to the group." The features noted above in claims 45 are similarly recited in independent claims 57-59. The above features of the present invention are fully supported by the Applicants' disclosure (see e.g., pgs. 4-6, and Figs. 37, 38A and 38b).

As noted above, the present invention (as recited in claims 45 and 57-59) is directed to

managing content duplications performed on in-group apparatuses and out-group apparatuses in a manner such that the strictness regarding copyright protection is different between the in-group and the out-group apparatuses.

On the other hand, Alve discloses a system and method for allowing content providers to protect against widespread copying of their content by watermarking the content. As described in Alve, a domain traversal flag is used to determine whether content is permitted to be sent out using an authorized domain. Furthermore, usage state information is used to determine whether the content is permitted to be copied. The usage state information includes a usage state "Copy X times." When the usage state information indicates the Copy X times, the content is permitted to be copied X times (see e.g., ¶43-52, ¶56-65 and Fig. 4a and 4b). For example, as described in Alve, if the usage information for content indicates that X is 100, copying of content can be restricted up to one hundred times including both inside and outside the domain.

However, nothing in Alve discloses or suggests the use of an in-group remaining number and the out-group remaining number. Furthermore, Alve does not disclose or suggest structure for managing the number of content duplications, with use of the in-group remaining number and the out-group remaining number.

Therefore, the method described in Alve cannot achieve the advantageous feature of the present invention. That is, namely the feature of managing content duplications performed on in-group apparatuses and out-group apparatuses in such a manner that the strictness regarding copyright protection is different between the in-group and the out-group apparatuses.

Based on the above discussion, independent claims 45 and 57-59 are not anticipated or rendered obvious by Alve. Likewise, claims 46-56 and 60 are not anticipated or rendered obvious by Alve by virtue of their respective dependency from claims 45 and 59.

In light of the above, the Applicants respectfully submit that all the pending claims are patentable over the prior art of record. The Applicants respectfully request that the Examiner withdraw the rejections presented in the Office Action dated February 6, 2008, and pass this application to issue.

The Examiner is invited to contact the undersigned attorney by telephone to resolve any remaining issues.

Respectfully submitted,

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